

### **REMARKS**

This Application has been carefully reviewed in light of the Office Action mailed February 24, 2004. At the time of the Office Action, Claims 1-20 were pending in this Application. Claims 1-3, 7, 8, 10-14, 18 and 19 were rejected. Claims 4-6, 9, 15-17, and 20 were objected to as being dependent upon a rejected base claim. Claims 1, 8, 11 and 19 have been amended. Applicants respectfully request reconsideration and favorable action in this case.

#### **Rejections under 35 U.S.C. § 112**

Claims 8 and 19 were rejected by the Examiner under 35 U.S.C. § 112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claims 8 and 19 to overcome these rejections and respectfully request full allowance of Claims 8 and 19 as amended.

#### **Rejections under 35 U.S.C. §102**

Claims 1-3, 7, 8, 10-14, 18, and 19 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by PCT Publication No. WO 90/15743 filed by Alfons Weissbrich et al. ("Weissbrich et al.").

Weissbrich et al. discloses an "actuating device for the parking brake of a motor vehicle" that "contains an electric motor (1) which can be switch on and off, whose running directions can be reversed and which drives the screw (31) of an irreversible worm gear (3)." (See Title and Abstract)

Applicants' amended Claim 1 recites various elements including, among others, a "drive linkage from the brake-actuating output shaft to the brake-actuating linkage in the form of a cam disk or gate guide converts a rotation of the brake-actuating output shaft into a translational movement of the brake-actuating linkage by means of an actuation element which is guided along a surface of the cam disk or gate guide."

Applicants' amended Claim 11 recites various elements including, among others, a "drive linkage from the brake-actuating output shaft to the brake-actuating linkage which translates a rotational movement around the second axis into a longitudinal movement

parallel to the first drive axis by means of an actuating element that is guided along the first drive axis."

Weissbrich et al. cannot anticipate Applicants' amended Claims 1 and 11 because Weissbrich et al. does not teach, suggest or disclose all of the elements recited by Claims 1 or 11, as amended. For example, Weissbrich et al. fails to teach, disclose or suggest a "drive linkage from the brake-actuating output shaft to the brake-actuating linkage in the form of a *cam disk or gate guide* converts a rotation of the brake-actuating output shaft into a translational movement of the brake-actuating linkage by means of *an actuation element which is guided along a surface of the cam disk or gate guide*," as recited by amended Claim 1. (emphasis added) Additionally, Weissbrich et al. fails to teach, disclose, or suggest a "drive linkage from the brake-actuating output shaft to the brake-actuating linkage which translates a rotational movement around the second axis into a longitudinal movement parallel to the first drive axis by means of *an actuating element that is guided along the first drive axis*," as recited by amended Claim 11. (emphasis added)

In fact, the actuating device of Weissbrich et al. discloses that the device executes a "relatively large translational movement in comparison with the angle of rotation, with low tractive force, and then a relatively small translational movement, with a higher tractive force." (Abstract) In contrast, Applicants' invention uses an actuation element that is guided such that the brake-actuating output shaft to the brake-actuating linkage is translated. Thus, Applicant respectfully submits that Weissbrich et al. does not anticipate Claims 1 or 11 as amended and, as such, amended Claims 1 and 11 are patentable over Weissbrich et al.

Claims 2, 3 and 7, 8 and 10 depend from and provide further patentable limitations to independent Claim 1. Claims 12-14, 18 and 19 depend from and provide further patentable limitations to independent Claim 11. Because Claims 1 and 11 are deemed patentable, Claims 2, 3, 7, 8, 10, 12-14, 18 and 19, as amended, are patentable. Therefore, Applicants respectfully request withdrawal of the rejections and allowance of Claims 1-3, 7, 8, 10-14, 18, and 19, as amended.

#### **Allowable Subject Matter**

Applicants appreciate Examiner's consideration and indication that Claims 4-6, 9, 15-17, and 20 would be allowable if in independent form to include all of the limitations of the

base claim and any intervening claims. Claims 4-6 and 9 depend from and provide further patentable limitations to Claim 1. Claims 15-17 and 20 directly or indirectly depend from and provide patentable limitations to Claim 11. In light of the above remarks, Applicants assert that Claims 1 and 11 are allowable. Therefore, Applicants respectfully request withdrawal of all the objections and allowance of Claims 4-6, 9, 15-17 and 20.

### CONCLUSION

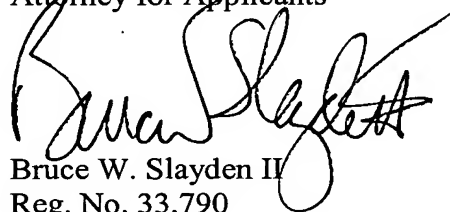
Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-20 as amended.

Applicants believe there are no fees due, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,

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